

**REMARKS**

The present application includes claims 1-63, including new claims 61-63. Claim 1 was amended substantively, claim 51 was amended to put it in independent form, and claims 2, 4, 14-28, 32, 37-42, 47-50, and 52-55 were amended to be dependent on different claims. Claims 29-31, 33-36, and 57-60 were previously withdrawn from consideration. The applicant reserves the right to file a divisional application with claims 57-60 at a later date.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 5,725,530 to Popken. Although the applicant does not necessarily agree, claim 1 has been amended in order to facilitate prosecution of the application. Amended claim 1 includes substantial new structural limitations that clearly distinguish claim 1 from Popken. For example, the device described in Popken is clearly not configured to have a first extension enter a first incision in the body and extend to a first location on the spine, while a second extension enters a separate second incision, adjacent to a different vertebra, and extends to a separate second location along the spine, regardless of which parts of the device shown in Popken are considered to be the first and second extensions. Nor is the "rasp" in Popken configured to extend along the first extension, into the body through the first incision, through the spinal channel from the first location to the second location, and out of the body through the (separate) second incision along the second extension. The new limitations in claim 1 are supported, for example, by page 18, lines 16-25, describing Figs. 8A and 8B.

Claim 51 stands objected to as being dependent on a rejected base claim. Claim 51 has been rewritten in independent form including all of the limitations of the original claim 1, the only claim that claim 51 was previously dependent on.

Claims 2, 4, 14-28, 32, 37-42, 47-50, and 52-55, previously dependent on claim 1, are now dependent directly or indirectly on claim 51. Consequently, claims 2-50 and 52-55 are all dependent directly or indirectly on claim 51, and are patentable at least for that reason.


A new method claim, claim 61, has been added, as well as claims 62 and 63 which are dependent on claim 61. Claim 61 is supported, for example, by page 2, lines 32-34, page 3, lines 1-4, page 8, lines 26-34, page 9, lines 1 and 13-14, and page 16, lines 18-19. Claim 62 is supported, for example, by page 6, lines 33-34. Claim 63 is supported, for example, by page 4, line 16.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show how elbows 204 are attached to the device. It is optional for elbows 204 to be attached to the device, and the method of attachment, if any, is not shown in Fig. 2, to maintain the clarity of the drawing. If

elbows 204 are attached to the device, then they may be attached, for example, using any of the methods shown for attaching elbows 304 in Fig. 8A, or described on page 19, lines 4-14. The applicant believes that it is unnecessary, and might be confusing, to also include these details in connection with elbows 204 in Fig. 2.

In view of the above remarks, applicant submits that the claims are patentable over the prior art. If the Examiner does not agree regarding one or more of the claims, but is of the opinion that a telephone conversation may forward the present application toward allowance, applicant respectfully requests that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,  
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